

**In the United States District Court
For the Northern District of Mississippi
Aberdeen Division**

**The Chiropractic Neurology Center of
Tupelo, and others**

Plaintiffs

v.

Civil Action No. 1:15CV219-GHD-DAS

Dr. Michael Johnson, D.C., and others

Defendants

**Plaintiffs' Response in Opposition to
Defendants' Motion for Summary Judgment**

This is the Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment. It is made pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Plaintiffs confess two causes of action: cybersquatting under the Lanham Act and false light invasion of privacy under Mississippi common-law. Neither has been briefed. As to the remaining causes of action, the defendants have failed in their initial duty of demonstrating the absence of genuine issues of material fact. Plaintiffs have gone beyond the pleadings and designated specific facts showing that there is a genuine issue for trial. They have articulated precisely the manner in which the evidence supports the claims.

Plaintiffs rely upon all of the arguments and authorities presented in their accompanying Brief in Support of Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment. They also rely upon all of the documents and exhibits attached to this response. They are:

Exhibit: A - Johnson Deposition Excerpts

Exhibit: B - 30b6 Deposition Excerpts

Exhibit: C - Winstead Deposition Excerpts

Exhibit: D - Adams Deposition Excerpts

Exhibit: E - Andy Barlow Deposition Excerpts

Exhibit: F - Faye Barlow Deposition Excerpts

Exhibit: G - Mackey Deposition Excerpts

Exhibit: H - Steiner Deposition Excerpts

Exhibit: I - Gann Deposition Excerpts

Exhibit: J - Anderson Deposition Excerpts

Exhibit: K – Website – www.drandybarlowdc.com

Exhibit: L – CQH Facebook Page

Exhibit: M - Harlow Deposition Excerpts

Exhibit: N - Kline Deposition Excerpts

Exhibit: O - Ginzburg Deposition Excerpts

Exhibit: P - Wood Affidavit

Exhibit: Q - Gilmore Deposition Excerpts

Exhibit: R – The Johnson Method 2.0 DVD Covers

Exhibit: S - Goehre Affidavit

Exhibit: T – NeuroMetGroup Message Board Posts

Exhibit: U - Kuhn Deposition Excerpts

Exhibit: V – CQH Facebook (violence)

Exhibit: W - Allen Deposition Excerpts

Exhibit: X - Hauberg Report

Exhibit: Y - Medicare Facebook Posts

Exhibit: Z - Shirley Report

Exhibit: AA – Lost Profits – Wood

Exhibit: AB - Wirick Deposition

Exhibit: AC - CMS Documents

Exhibit: AD - Scott Report

Exhibit: AE - Transcript of Apple Medical Clinic v. Barlow

Exhibit: AF - Huffman Deposition Excerpts

Exhibit: AG – Barlows’ Remediation Hours Report

Exhibit: AH - Ted Scott Remediation Hours Invoice

For the reasons presented in their arguments and authorities and in light of the documents and other evidence attached as exhibits to this response, Plaintiffs pray the Court will deny the Defendants' motion for summary judgment in whole excepting as to the causes of action for cyber-squatting under the Lanham Act. Plaintiffs also pray for general relief.

Respectfully submitted, this the 15th day of July, 2017.

The Chiropractic Neurology Center
of Tupelo; Chiropractic Neurology
Consultant PC d/b/a American Functional
Neurology Institute; Dr. William A. Barlow;
and Dr. Matthew C. Mackey

By: /s/ Tiffany K. Pharr.
WILLIAM R. WHEELER, JR., MSBN 10848
JAMES R. FRANKS, JR., MSBN 100156
TIFFANY K. PHARR, MSBN 104849
C. JACKSON WILLIAMS, MSBN 7226

OF COUNSEL:

WHEELER & FRANKS LAW FIRM, P.C.
P.O. Box 681
Tupelo, MS 38802
Tel: (662) 842-0380
Fax: (662) 842-7491
Email: jfranks@wheelerfrankslaw.com
Email: wwheeler@wheelerfrankslaw.com
Email: tpharr@wheelerfrankslaw.com

C Jackson Williams, Attorney at Law
P.O. Box 69

Taylor, MS 38673-0069
Tel: (662) 701-9447
Email: cjxn@mac.com

CERTIFICATE OF SERVICE

I, Tiffany K. Pharr., an attorney of record for the Plaintiffs, certify that today I have served a true and correct copy of the above and foregoing *Plaintiffs' Response Opposing Defendants' Motion for Summary Judgment* on:

Scott R. Hendrix, Esq.
L. Bradley Dillard, Esq.
Mitchell, McNutt & Sams
105 S. Front Street
P.O. Box 7120
Tupelo, MS 38802-7120
(662) 842-3871
shendrix@mitchellmcnutt.com
bdillard@mitchellmcnutt.com

Dated, this the 15th day of July 2017.

/s/ Tiffany K. Pharr
TIFFANY K. PHARR

